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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,615	05/02/2001	Yukinori Terahama	520.35693CX1	5679
20457	7590	07/27/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/846,615	Applicant(s) TERAHAMA ET AL.	
	Examiner Thong H Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 9-19 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Desai et al [Desai 5,781,703] in view of Benzenberg et al [Benzenberg 5,751,943].

3. As per claim 9, Desai discloses a consulting system for replying to an inquiry from a customer, comprising:

a clerk terminal (for use by an expert clerk) to reply said inquiry (i.e.: a server responses to a client request) and a connection management apparatus (i.e.: a proxy for managing connection [Desai, an appropriate inquiry, col 3 lines 30-36; proxy controller, col 3 lines 38-62] said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal [Desai, monitoring response, col 11 lines 25-60],

storage means for storing data related to a connectable (expert) clerk [Desai, data server, col 3 lines 30-36];

extraction means for extracting said data related to connectable (expert) clerk [Desai, retrieve data from server, col 3 lines 30-36], and

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sending means for sending said data related to said connectable (expert) clerk to a terminal for user by said customer [Desai, data returned in response to the request, col 12 lines 47-67].

However Desai does not explicitly detail the server was used by an expert clerk. It was well-known in the network art that an expert system monitors the status information over network and provides a response to the event [See Benzenber, George references]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the expert system which monitors the status of network devices and provides the responses [Benzenberg, col 4 lines 8-20, col 10 lines 52-60] as taught by Benzenberg into the Desai's apparatus in order to utilize the data server and monitoring process. Doing so would provide an expert response to the user inquires.

4. As per claim 10, Desai-Benzenberg disclose connecting means connecting said terminal for use by said customer to an unattended agent server;

judging means for judging that said expert clerk to reply to said inquiry has become connectable [Benzenberg, expert system, col 4 lines 8-20, col 10 lines 52-60] ;

changing means for changing connection of said terminal for use by said customer, from said unattended agent server to the clerk terminal of said expert clerk that has become connectable in accordance with the result of the judgment performed

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by said judgment means [Benzenberg, customize, col 7 lines 49-67, col 8 lines 18-67, col 9 lines 40-67].

5. As per claim 11, Desai-Benzenberg disclose an unattended agent server which comprises:

storage means for storing past reply to said inquiry [Desai, the database for storing the collected performance data, col 13 lines 17-20];

retrieving means for retrieving said past reply corresponding to said inquiry [Desai, retrieve data, col 3 lines 30-36];

sending means for sending said past reply to said terminal for use by said customer, in accordance with the inquiry from said customer [Desai, data returned in response to the request, col 12 lines 47-67].

6. As per claim 12, Desai-Benzenberg disclose a terminal for use by said customer [Benzenberg, user input device, col 5 lines 27-44; user interface module, Fig 7].

7. Claims 13,17-19 contain the similar limitations set forth of claim 1. Therefore, claims 13,17-19 are rejected for the similar rationale set forth in claim 9.

8. Claims 14-16 contain the similar limitations set forth of claims 9-12. Therefore, claims 14-16 are rejected for the similar rationale set forth in claims 9-12.

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9. Claims 9-19 are rejected under 35 U.S.C. § 103 as being unpatentable over

Chao et al [Chao 5,964,837] in view of George et al [George 5,774,669].

10. As per claim 9, Chao discloses a consulting system for replying to an inquiry from a customer, comprising:

a clerk terminal (for use by an expert clerk) to reply said inquiry (i.e.: a server responses to a client request) and a connection management apparatus for managing connection, said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal [Chao, agent monitors the operational state of said connection endpoints in its node, col 13 lines 42-54],

storage means for storing data related to a connectable (expert) clerk [Chao, database, col 5 lines 1-15];

extraction means for extracting said data related to connectable (expert) clerk [Chao, retrieving management information, col 4 lines 10-35], and

sending means for sending said data related to said connectable (expert) clerk to a terminal for user by said customer [Chao, sends message, nodes response, col 3 lines 27-65; col 4 lines 22-35; col 12 lines 37-57].

However Chao does not explicitly detail the server was used by an expert clerk. It was well-known in the network art that an expert system monitors the status information over network and response to the event [See Benzenber, George references]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the expert system which monitors the

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status of network devices and provides the responses [George, expert system col 5 lines 17-21; monitor by SNMP, col 4 lines 52-61; col 76 lines 25-32] as taught by George into the Chao's apparatus in order to utilize the data server and monitoring process. Doing so would provide an expert response to the user inquiries.

11. As per claim 10, Chao-George disclose connecting means connecting said terminal for use by said customer to an unattended agent server;

judging means for judging that said expert clerk to reply to said inquiry has become connectable [George, expert system, col 5 lines 17-21]; and

changing means for changing connection of said terminal for use by said customer, from said unattended agent server to the clerk terminal of said expert clerk that has become connectable in accordance with the result of the judgment performed by said judgment means [Chao, changes local connectivity information, col 6 lines 55-65].

12. As per claim 11, Chao-George disclose an unattended agent server which comprises:

storage means for storing past reply to said inquiry [George, database, col 11 lines 1-20];

retrieving means for retrieving said past reply corresponding to said inquiry [Chao, retrieving information, col 4 lines 10-35];

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sending means for sending said past reply to said terminal for use by said customer, in accordance with the inquiry from said customer [Chao, sends message, nodes response, col 3 lines 27-65; col 4 lines 22-35; col 12 lines 37-57].

13. As per claim 12, Chao-George disclose a terminal for use by said customer [Desai, client/server, col 4 lines 51-67].

14. Claims 13,17-19 contain the similar limitations set forth of claim 9. Therefore, claims 13,17-19 are rejected for the similar rationale set forth in claim 9.

15. Claims 14-16 contain the similar limitations set forth of claims 9-12. Therefore, claims 14-16 are rejected for the similar rationale set forth in claims 9-12.

16. Claims 9-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Loftin et al [Loftin 5,311,422] in view of Ogushi et al [Ogushi 6,385,497 B1]

17. As per claim 9, Loftin discloses a consulting system for replying to an inquiry from a customer [Loftin, a system consults the history stored in the trainee model, col 14 lines 23-38], comprising:

a clerk terminal for use by an expert clerk to reply said inquiry [Loftin, a computer aid training system, col 8 line 56-col 9 line 58]; and

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a connection management apparatus for managing connection [Loftin, a session manager, col 9 lines 9-32[, said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal [Loftin, the error detector expert, col 8 line 56-col 9 line 58],

Loftin also discloses a training Scenario Generator includes a knowledge base and object oriented database [Loftin database, col 16 lines 65-col 17 lines 20].

However Loftin does not detail storage means for storing data related to a connectable expert clerk, extraction means for extracting said data related to connectable expert clerk, and sending means for sending said data related to said connectable expert clerk to a terminal for user by said customer.

Ogushi discloses a remote maintenance system wherein a host computer monitoring and obtain status information of the equipments though the Internet and consulting a database storing information and provide response information [Ogushi, col 14 lines 3-15]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of consulting the database to obtain the response information as taught by Ogushi into the Loftin's apparatus in order to utilize the database. Doing so would provide a dynamic and efficiency to consult the inquired data over Internet.

18. As per claims 10,15 Loftin-Ogushi disclose connecting means connecting said terminal for use by said customer to an unattended agent server;

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judging means for judging that said expert clerk to reply to said inquiry has become connectable [Loftin, determining how to respond to incorrect actions, col 5 lines 1-3]; and

changing means for changing connection of said terminal for use by said customer, from said unattended agent server to the clerk terminal of said expert clerk that has become connectable in accordance with the result of the judgment performed by said judgment means [Loftin, updating user interface, col 35 lines 1-50; change control of the system interface, col 38 lines 20-28].

19. As per claim 11, Loftin-Ogushi disclose an unattended agent server storage means for storing past reply to said inquiry;

retrieving means for retrieving said past reply corresponding to said inquiry [Ogushi, receives response information, col 3 lines 15-30];

sending means for sending said past reply to said terminal for use by said customer, in accordance with the inquiry from said customer [Ogushi, select information from database, col 5 lines 25-30].

20. As per claim 12, Loftin-Ogushi disclose a terminal for use by said customer [Ogushi, user side, col 2 lines 33-35, Fig 2].

21. Claims 13,14,17-19 contain the similar limitations set forth of claim 9. Therefore, claims 13,14,17-19 are rejected for the similar rationale set forth in claim 9.

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22. As per claim 16, Loftin-Ogushi disclose means for setting a priority of consultation of said expert in accordance with the frequency of the past consultation of said expert clerk; wherein said extraction means extracts said data related to said connectable expert clerk, in accordance with said priority [Loftin, priority, col 30 lines 1-16].

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

